

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STACEY M.,

Plaintiff,

v.

3:18-CV-1014
(DJS)

COMM’R OF SOC. SEC.,

Defendant.

APPEARANCES:

OF COUNSEL:

LACHMAN & GORTON

PETER A. GORTON, ESQ.

Attorney for Plaintiff

1500 East Main Street

P.O. Box 89

Endicott, New York 13761-0089

U.S. SOCIAL SECURITY ADMIN.

HEETANO SHAMSOONDAR, ESQ.

OFFICE OF REG’L GEN. COUNSEL

REGION II

Counsel for Defendant

26 Federal Plaza - Room 3904

New York, NY 10278

DANIEL J. STEWART

United States Magistrate Judge

ORDER¹

This action was commenced on August 23, 2018. Dkt. No. 1. The Administrative Record, which pursuant to General Order 18 constitutes Defendant’s

¹ Upon Plaintiff’s consent, the United States’ general consent, and in accordance with this District’s General Order 18, this matter has been referred to the undersigned to exercise full jurisdiction pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. See Dkt. No. 4 & General Order 18.


Answer, was filed on December 26, 2018. Dkt. No. 6. On March 8, 2019, Plaintiff filed a request to withdraw this action against the Commissioner of Social Security ("Defendant"). Dkt. No. 9. By letter dated May 15, 2019, Defendant consented to withdrawal of the action. Dkt. No. 11. Under FED. R. CIV. P. 41(a), once an answer has been filed, dismissal can be made only by Court order. Given Plaintiff's expressed request to withdraw the action and Defendant's consent, the Court finds that dismissal under Rule 41 is appropriate.

ACCORDINGLY, it is

ORDERED, that Plaintiff's Complaint is **DISMISSED** pursuant to FED. R. CIV. P. 41(a)(2); and it is further

ORDERED, that the Clerk of the Court shall serve copies of this on the parties to this action.

Dated: May 23, 2019
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge